D.B. CIVIL SPECIAL APPEAL(W)NO.369/2007

Dr. Karan Singh Vs.V.M.O.U., Kota

DATE OF ORDER :: 09-05-2007

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

Shri Vimal Choudhary, for the appellant.

This special appeal is directed against the order of the learned Single Judge rejecting the appellant's prayer for interim relief. The appellant was removed from service after departmental enquiry on 22.10.2005. He has challenged the order by way of writ petition which has been admitted for hearing.

Counsel for the appellant made submission on merit of the case. However, considering that the writ petition is pending before Single Bench, we have confined ourselves to the question of grant of interim relief.

In our view, if the impugned order is stayed, it would result in reinstatement of the appellant without adjudication which would not be proper. It is well settled that the Court should refrain from passing interim order which has the effect of granting the main relief. We find no error in the impugned order of the learned Single Judge declining to grant interim relief to the appellant.

The appeal is dismissed.

[MOHAMMAD RAFIQ],J. **[S.N.JHA],CJ.**

Praveen